



Entered on Docket
September 04, 2009

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle
United States Bankruptcy Judge

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,¹

USA CAPITAL DIVERSIFIED TRUST DEED
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND, LLC,²

USA SECURITIES, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING FIFTEENTH
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM BASED,
IN WHOLE OR IN PART, UPON
INVESTMENT IN THE BAY POMPANO
BEACH LOAN**

Hearing Date: August 21, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

1 The Court having considered the “Fifteenth Omnibus Objection of USACM Trust
2 to Proofs of Claim Based, in Whole or in Part, Upon Investment in the Bay Pompano
3 Beach Loan” [Docket No. 7295] (the “Objection”); with appropriate notice of the
4 Objection having been given; no responses having been filed; and good cause appearing:

5 **IT IS HEREBY ORDERED** that:

- 6 1. The Objection is sustained.
- 7 2. All other claims listed on **Exhibit A** attached are allowed as general
8 unsecured claims for the amount shown on **Exhibit A** as Unremitted
9 Principal. The remainder of those claims are disallowed to the extent
10 they are based upon a Direct Lender investment in the Bay Pompano
11 Beach Loan as shown on **Exhibit A**; and
- 12 3. To the extent the claims listed on **Exhibit A** are based upon
13 investments in loans other than the Bay Pompano Beach Loan, this
14 order does not affect them and the USACM Trust may file further
15 objections.

16
17 PREPARED AND RESPECTFULLY SUBMITTED BY:

18
19 **LEWIS AND ROCA LLP**

20 By /s/ Marvin Ruth (#10979)
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In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in this case.
- ☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, any unrepresented parties who appeared at the hearing, and any trustee appointed in this case, and each has approved or disapproved the order, or failed to respond, as indicated below (list each party and whether the party has approved, disapproved, or failed to respond to the document):

U.S. Trustee: August Landis	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party:	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

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Submitted by:

LEWIS AND ROCA LLP

By: /s/ Marvin Ruth (#10979)
 Rob Charles
 John Hinderaker
 Marvin Ruth
Attorneys for USACM Liquidating Trust

Claim	Name	Address	Total Claim Amount	Total Claim Amount Relating to Bay Pompano Beach Loan	Unremitted Principal to be Allowed as Claim	Approximate Amount Subject to Objection
10725-01438	Evans, Richard Z	10409 Summershade LN Reno, NV 89521-5168	153,283.00	74,011.59	24,571.96	49,439.63
10725-01649	Church Of The Movement Of Spiritual Inner Awarness	Po Box 513935 Los Angeles, CA 90051	125,000.00	25,000.00	24,571.96	428.04
10725-01898	Massry, Morris	C/O Segel Goldman Mazzotta & Siegel PC 9 Washington Sq Albany, NY 12205	1,802,040.00	76,617.93	24,571.96	52,045.97
10725-02103	Tripp Enterprises Inc A Nevada Corp	Warren W Tripp 250 Greg St Sparks, NV 89431	980,535.84	148,023.12	24,571.96	123,451.16
10725-02104	Tripp, Warren W	250 Greg St Sparks, NV 89431	1,183,402.50	148,023.12	24,571.96	65,586.04
10725-00807	Perrone, Catherine	923 Croton Rd Celebration, FL 34747-4843	180,000.00	94,941.44	24,571.96	70,369.48
10725-01398	Anthony & Alicia Pasqualotto 1997 Trust	Anthony & Alicia Pasqualotto Trust 5775 Duneville St Las Vegas, NV 89118-2726	296,359.65	96,359.65	24,571.96	71,787.69
10725-01953	Mirzaian, Katrine	708 Prospect Dr Glendale, CA 91205	344,011.56	74,011.56	24,571.96	49,439.60
10725-02105	Tripp Enterprises Inc Restated Profit Sharing Plan	Warren W Tripp Ttee 250 Greg St Sparks, NV 89431	875,670.12	148,023.12	24,571.96	123,451.16
10725-02327	John L Wade Trust DTD 5/8/01	C/O John L Wade Trustee 881 Lake Country Dr Incline Village, NV 89451-9042	1,500,000.00	150,929.44	24,571.96	126,357.48

EXHIBIT A

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